

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA

v.

Case No. 4:19-cr-47

IBAN BARRETO-HERNANDEZ

BRIEF OF DEFENDANT IBAN BARRETO-HERNANDEZ
FOR STATUS CONFERENCE HEARING

COMES NOW the defendant, Iban Barreto-Hernandez, by and through court-appointed counsel Gregory K. Matthews, and hereby files this Status Conference Brief as directed by the Court. This brief will identify agenda items and issues pertaining to Iban Barreto-Hernandez.

INTRODUCTION

Defendant Iban Barreto-Hernandez (Hernandez) has been a defendant in this criminal case since the original indictment on May 13, 2019. Since the original indictment, the government has filed three (3) superseding indictments. The government added defendants to each indictment when it superseded. At this time, a total of forty-five (45) defendants have been charged under the various indictments. Twenty defendants have pleaded guilty (as of this writing), leaving some twenty-five (25) defendants headed for trial at this time.

The third superseding indictment, filed February 20, 2020 (ECF 757), charges Hernandez as follows: (1) Count 2, Conspiracy to distribute and possess with intent to distribute heroin, cocaine, and fentanyl in violation of 21 USC 846; (2) Count 3, conspiracy to launder money in violation of 18 USC 1956(h); and Counts 68 & 70, use of a communication facility to facilitate drug trafficking in violation of 21 USC 843(b). Hernandez's charges have not changed from the second superseding indictment.

DISCUSSION

Hernandez has no objection to severence and no objection to the trial groupings suggested by the government in its status conference brief filing, ECF 827. Hernandez also concurs with the notion that this trial will take the longest and that it will be the most complex. Counsel for Hernandez notes that he is set to go to trial in a complex fraud case on July 7, 2020. The style of that case is *United States v. Norma Jean Coffin*, 2:19-cr-47, and this trial is expected to last from four (4) to six (6) weeks. Discovery in the *Coffin* matter is voluminous and there still is discovery outstanding. The bottom line is that it would be impractical for counsel to try this four-to-six week case prior to July 7 and still be prepared and up to par for the July 7 fraud case. Counsel for Hernandez submits that the order of the trials does not matter to him, but that, realistically, trial for the group of defendants containing Hernandez should begin sometime around October, 2020.

Counsel has reviewed the status brief of Ramiro Ramirez-Barreto, ECF 833, and concurs with the following requests: (1) an additional three (3) weeks beyond the date of arraignment (March 13, 2020) for motions cut-off; (2) anticipation of filing motions for early disclosure of expert witnesses, 404(b) evidence, *Jencks* and *Giglio* materials, and government witness lists, exhibit lists, and summary charts; and (3) interpreter availability during the trial.

Defense presentation: Hernandez submits that he will require a total of fifteen (15) minutes to present his case.

RESPECTFULLY SUBMITTED,

IBAN BARRETO-HERNANDEZ


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CERTIFICATE

I hereby certify that on this 5th day of March, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

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